

Amendment No. 1 to HB1701

**Lamberth
Signature of Sponsor**

AMEND Senate Bill No. 1649*

House Bill No. 1701

by deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 39, Chapter 16, Part 4, is amended by adding the following language as a new section:

(a) It is an offense for a supervisor to intentionally:

(1) Instruct, direct, or encourage an employee to make a false statement, entry, notation, or report during or in relation to an audit;

(2) Alter, destroy, or conceal information, documentation, or material having evidentiary value to an audit; or

(3) Interfere with, impede, obstruct, or limit access to any information, documentation, or communication that is requested during or in relation to an audit.

(b) It is an offense for an employee to intentionally interfere with, impede, or obstruct any information, documentation, or communication that is requested during or in relation to the audit if that employee, based on experience, training, and longevity, knew or should have known what information, documentation, or communication was being requested.

(c) A violation of subsection (a) or (b) is a Class A misdemeanor.

(d) Charges for a violation of subsection (a) or (b) may be brought only by indictment, presentment, or criminal information; provided, that nothing in this section shall deny a person from pursuing other criminal charges by affidavit of complaint.

(e) As used in this section, unless the context otherwise requires:

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(1) "Audit" means any audit or investigation conducted by or on behalf of the comptroller of the treasury;

(2) "Employee" means an individual who works under a supervisor and who receives compensation from the state;

(3) "Limit access" means any time a supervisor requires the presence of a supervisor before:

(A) Allowing information to be reviewed during the audit process;

or

(B) Allowing communication between employees and auditors or investigators of the comptroller of the treasury; and

(4) "Supervisor" means an employee of the state who manages, supervises, directs, or controls the employment status, work, or responsibility of any employee. "Supervisor" includes, but is not limited to, any commissioner, executive director, or staff director.

SECTION 2. This act shall take effect July 1, 2016, the public welfare requiring it.